



Brian D. Lynch  
U.S. Bankruptcy Judge  
(Dated as of Entered on Docket date above)

IN THE UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

In Re:

UPPER KRESKY, LLP,

Debtors.

In Chapter 7 Proceeding

NO. 15-41574-BDL

ORDER DISALLOWING CLAIM 3-1  
FILED BY RAINDROP PROPERTIES,  
LLC

THIS MATTER having come on regularly before the Court upon the Objection to Claim 3 Filed by Raindrop Properties, LLC ("Objection"), said Objection filed by Upper Kresky, LLP ("Debtor"), Debtor appearing by and through its attorneys, David Smith and the Law Offices of David Smith, Raindrop Properties, LLC appearing by and through its attorneys, Shillito Law and Noel P. Shillito, the duly appointed and acting Chapter 7 Trustee, Terrence J. Donahue ("Trustee"), appearing by and through his attorneys, Eisenhower Carlson, PLLC and Terrence J. Donahue, and the Court having reviewed the records and files herein including the Objection, Trustee's Response to Debtor's Objection to Claim 3 Filed by Raindrop Properties, LLC, and Raindrop Properties, LLC's Response to Debtor's Objection to Proof of Claim, and having heard arguments of counsel, finds that adequate and proper notice was provided and that cause exists to

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sustain the objection upon the terms and conditions provided herein, and having so found, it is  
hereby

**ORDERED, ADJUDGED AND DECREED** that Debtor's Objection is sustained and claim 3-1 filed by Raindrop Properties, LLC is hereby disallowed, subject to the terms and conditions provided below; and it is further

**ORDERED, ADJUDGED AND DECREED** that upon Court approval of the Trustee's Final Report, including any costs of administration addressed therein, any distribution to Debtor under 11 U.S.C. §726(a)(6) shall be deposited with the Clerk of the United States Bankruptcy Court for the Western District of Washington at Tacoma, for further disposition by Court order as to the right to said funds between Upper Kresky, LLP and Raindrop Properties, LLC, without prejudice to either party as to their claim therein; and it is further

**ORDERED, ADJUDGED AND DECREED** that upon the deposit of said funds with the Clerk of the United States Bankruptcy Court for the Western District of Washington at Tacoma, Trustee shall be deemed to have satisfied his requirement to distribute such funds to Debtor under 11 U.S.C. §726(a)(6).

/// END OF ORDER ///

Presented by:

## EISENHOWER CARLSON, PLLC

By: /s/ Terrence J. Donahue  
Terrence J. Donahue, WSBA #15193  
Attorneys for Trustee

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1 Approved as to form and notice of presentation waived:

2 LAW OFFICES OF DAVID SMITH

4 By: /s/Approved electronically via email dated March 9, 2016

5 David Smith, WSBA #29824

5 Attorneys for Upper Kresky, LLP

6 SHILLITO LAW

8 By: /s/ Noel P. Shillito

9 Noel P. Shillito, WSBA #6764

9 Attorneys for Raindrop Properties, LLC

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